Canadian International Trade Tribunal

2010-2011

Departmental Performance Report

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Minister of Finance

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CHAIRPERSON'S MESSAGE

I am pleased to present the 2010-2011 Departmental Performance Report (DPR) for the Canadian International Trade Tribunal (the Tribunal). The Tribunal's mandate is to provide the fair, transparent, timely and effective disposition of international trade cases, government procurement review and other matters in various areas of the Tribunal's jurisdiction.

In 2010-2011, the Tribunal issued decisions in more than 200 cases. Although the Tribunal experienced a decline in the number of new trade remedy cases, the activities relating to public procurement complaints and to appeals under the *Customs Act*, the *Special Import Measures Act* (*SIMA*) and the *Excise Tax Act* remained strong. In addition, the Tribunal exceeded its performance indicator for issuing appeal decisions within internal deadlines.

An improvement in global economic conditions, combined with government stimulus measures and consumer and business spending, allowed Canada to sustain and strengthen its recovery. Although the increase in trade remedy cases did not materialize to the extent initially anticipated, a significant amount of the supplementary funding received for 2010-2011 was used to manage the increase in workload in the appeal and procurement areas of the Tribunal's mandate.

Despite the departure of the former Chairperson in October 2010, and the retirement of key senior staff within the organization, the Tribunal successfully delivered on its key priority identified for 2010-2011, which was the fair, timely and effective disposition of cases. As described in greater detail in this report, the Tribunal also completed several initiatives under three broad categories that had been targeted, i.e. investment in its people, sound management practices and improved service delivery. Several other undertakings worth mentioning included the progress made on the review of the *Canadian International Trade Tribunal Rules* (*Rules*), the successful implementation of electronic distribution of the official record for Tribunal cases, the development of a managerial leadership training curriculum and the drafting of internal procedure manuals for expiry review cases.

These initiatives have helped the Tribunal continue to be a key player in Canada's trade remedy system by issuing fair, timely and transparent decisions. In doing so, the Tribunal continues to support the government priorities of strengthening the economy and enhancing its services to Canadians.

Serge Fréchette
Acting Chairperson

SECTION I—TRIBUNAL OVERVIEW

Raison D'être

The Tribunal provides Canadian and international businesses with access to fair, transparent and timely processes for the investigation of trade remedy cases and complaints concerning federal government procurement and for the adjudication of appeals on customs and excise matters. At the request of the Government, the Tribunal provides advice in tariff, trade, commercial and economic matters.

Responsibilities

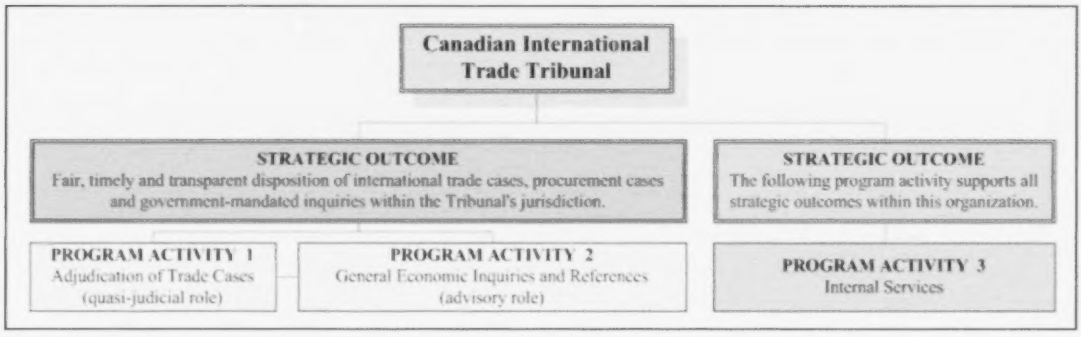
The Tribunal was established in December 1988 under the *Canadian International Trade Tribunal Act* (*CITT Act*). It acts as an independent, investigative and quasi-judicial decision-making body that reports to Parliament through the Minister of Finance. The Tribunal also derives authority from *SIMA*, the *Customs Act* and the *Excise Tax Act*. The Tribunal's office is located in Ottawa, Ontario.

The Tribunal fulfils the following roles within the Government of Canada:

- inquires, under *SIMA*, into whether dumped or subsidized imports have caused, or are threatening to cause, injury to a domestic industry;
- inquires into complaints by potential suppliers concerning procurement by the federal government that is covered by the *North American Free Trade Agreement* (*NAFTA*), the *Agreement on Internal Trade* (the *AIT*), the World Trade Organization (WTO) *Agreement on Government Procurement* (*AGP*), the *Canada-Chile Free Trade Agreement* (*CCFTA*) and the *Canada-Peru Free Trade Agreement* (*CPFTA*);
- hears appeals from decisions of the Canada Border Services Agency (CBSA) made under the *Customs Act* and *SIMA* and of the Minister of National Revenue under the *Excise Tax Act*;
- inquires into and provides advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance;
- investigates requests from Canadian producers for tariff relief on imported textile inputs used in their production operations and makes recommendations to the Minister of Finance on the requests; and
- undertakes safeguard inquiries into complaints by domestic producers that increased imports are causing, or threatening to cause, injury to domestic producers and, as directed, makes recommendations to the Government on an appropriate remedy.

Strategic Outcome and Program Activity Architecture

The chart below illustrates the Tribunal's complete framework of program activities which refers to the legislative area of its mandate.


Canadian International Trade Tribunal
STRATEGIC OUTCOME
Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction.
STRATEGIC OUTCOME
The following program activity supports all strategic outcomes within this organization.
PROGRAM ACTIVITY 1
Adjudication of Trade Cases (quasi-judicial role)
PROGRAM ACTIVITY 2
General Economic Inquiries and References (advisory role)
PROGRAM ACTIVITY 3
Internal Services

Organizational Priorities

Priority Status Legend

Exceeded: More than 100 percent of the expected level of performance for the priority identified in the corresponding Report on Plans and Priorities (RPP) was achieved during the fiscal year.

Met All: 100 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Mostly Met: 80 to 99 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Somewhat Met: 60 to 79 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Not Met: Less than 60 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Priority: Process Cases Within Statutory Deadlines and Maintain Quality Standards	**Type:** Ongoing	**Strategic Outcome:** Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction
Status: Mostly Met (99 percent) The primary objective was to ensure that statutory deadlines were met and that the quality of the Tribunal's findings, determinations and recommendations was kept to the highest standards. • The Tribunal met the first aspect of this objective in all its cases, but one, where, in the initial phase of determining whether or not to accept a procurement complaint for inquiry, it missed a statutory deadline by a few days. The case, which had initially been assigned to the former Chairperson, had to be reassigned to another member, due to the former Chairperson's immediate appointment to the Federal Court. • Although the increase in new trade remedy cases did not materialize to the extent anticipated, a significant amount of additional funding that had been secured for 2010-2011 was used to manage the increased workload in the Tribunal's appeal and procurement mandates.		
Priority: Invest in Its People	**Type:** Ongoing	**Strategic Outcome:** Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction
Status : Met all The Tribunal uses a comprehensive approach to focus on professional development, in-house training material, succession planning and continuous learning to keep its employees' skills current. In 2010-2011, the Tribunal's investment in its people was as follows: • The Tribunal had to cope with the retirement of some key staff, including the Director General of the Research Branch and the Information Technology (IT) Manager. These individuals had been with the Tribunal for many years and were an important source of knowledge and expertise. Proactive succession planning and hiring strategies helped to ensure a smooth transition, including the transfer of the necessary corporate knowledge to a new generation of employees. • The Tribunal hired less staff than expected in 2010-2011, due to a less-than-anticipated volume of trade remedy cases. All staffing actions were completed in a timely manner. • The Tribunal focused on both the training of new employees and the development of existing employees. As well, a leadership training curriculum was developed for current and potential managers with a view to retaining the Tribunal's top management talent. • Following consultations with its employees, the Tribunal successfully completed the first draft of its code of conduct. • To recognize employee contributions to the organization and to foster commitment and excellence, the Tribunal held an awards and recognition ceremony in the fall of 2010. Among the award categories were the following: Outstanding Achievement and Dedication Award, Team Spirit Award, Leadership Award, and a Service and Innovation Award. • The Tribunal drafted a procedure manual for expiry review cases to promote consistency and to assure knowledge transfer to its new employees.		

Priority: Sound Management	**Type:** Ongoing	**Strategic Outcome:** Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Status: Met all

Promoting transparency and supporting overall government-wide management accountability priorities, including the Management Accountability Framework (MAF) and the commitments introduced under the new *Federal Accountability Act*, continue to be priorities for the Tribunal. The projects undertaken in 2010-2011 included the following:

- The Tribunal continued to improve the efficiency and reliability of its IT infrastructure in 2010-2011 by renewing its servers in order to increase performance, stability, maintenance and the business continuity plan readiness of its network.
- The Tribunal finalized its implementation of the recommendations resulting from the 2008-2009 MAF final report. The implementation of the management action plan was completed in 2010-2011.
- An information management (IM) action plan was adopted in December 2010 for the creation, maintenance and disposition of the administrative record. In parallel, management decided to proceed with an evaluation of alternate IM platforms.
- In the first quarter of 2010-2011, the Tribunal finalized the integration of its IM tools relating to case tracking, case reporting and planning.

Priority: Improve Service Delivery	**Type:** Ongoing	**Strategic Outcome:** Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Status: Met all

Continuous improvement in service delivery remained a priority for the Tribunal in 2010-2011. The improvements were as follows:

- The Tribunal continued the review of its *Rules*. Over the last fiscal year, the scope of the review included the rules of general application and the rules that cover the appeal and procurement areas of the Tribunal's mandate. Once finalized, parties and counsel who appear before the Tribunal will greatly benefit from the review of its *Rules*, as they will streamline proceedings, reduce the paper burden imposed on parties, and increase efficiency and transparency while preserving fairness and the protection of confidential information.
- One of the initiatives that the Tribunal undertook was looking at ways of improving and facilitating access to the Tribunal's record without compromising the protection of confidential information. In 2010-2011, the Tribunal successfully implemented the distribution of its voluminous record in *SIMA* cases using a secure USB key. This initiative allows counsel to access and search the Tribunal's record easily, has made the Tribunal more environmentally friendly and has reduced operating costs.
- In order to improve efficiency in the conduct of its hearings and be able to display exhibits on the screen to counsel and witnesses, the Tribunal invested in new software features for the appeal area of its mandate and equipped its second hearing room with monitors.

Risk Analysis

Environmental Scan

In 2010-2011, the global economic recovery broadened and became more firmly entrenched. Global financial market conditions improved and commodity prices rebounded, although unemployment remained high in many countries.[1] The pace of the global recovery eased somewhat toward the end of the period, in part due to uncertainty surrounding sovereign debt issues in Europe, political uncertainty in North Africa and the after-effects of the earthquake and tsunami in Japan.[2]

The global recovery progressed at varying speeds across regions, with many emerging and developing country economies experiencing strong growth, while most advanced economies experienced more moderate growth.[3] In the United States, Canada's largest trading partner, the recovery continued to be modest by historical standards. As of March 2011, concerns remained with respect to low consumer confidence, weak balance sheets for households and the financial sector, and high unemployment.[4]

The positive global economic conditions, combined with government stimulus and consumer and business spending, allowed Canada to sustain and strengthen its recovery.[5] The Canadian economy expanded steadily over these 12 months, with the strongest growth occurring in the first quarter of 2011. Employment levels also recovered, as Canada posted the strongest employment growth of all G-7 countries since June 2009.[6]

In 2010-2011, the Tribunal received the second year of additional funding to cover an operating budget shortfall resulting from an expected post-recession increase in casework. Experience from prior recessions was that the number of trade remedy cases

1. Minister of Finance, *The Next Phase of Canada's Economic Action Plan—A Low-tax Plan for Jobs and Growth* (http://www.budget.gc.ca/2011/plan/Budget2011-eng.pdf) at 25, 26, 31, 38; OECD (2011), *OECD Economic Outlook*, Vol. 2011/1 at 12-13, OECD Publishing (http://dx.doi.org/10.1787/eco_outlook-v2011-1-en); Bank of Canada, *Monetary Policy Report*, April 2011, at 3.
2. Minister of Finance, *The Next Phase of Canada's Economic Action Plan—A Low-tax Plan for Jobs and Growth* (http://www.budget.gc.ca/2011/plan/Budget2011-eng.pdf) at 24-26, 35; OECD (2011), *OECD Economic Outlook*, Vol. 2011/1 at 12-13, OECD Publishing (http://dx.doi.org/10.1787/eco_outlook-v2011-1-en); Bank of Canada, *Monetary Policy Report*, April 2011, at 1, 3.
3. Minister of Finance, *The Next Phase of Canada's Economic Action Plan—A Low-tax Plan for Jobs and Growth* (http://www.budget.gc.ca/2011/plan/Budget2011-eng.pdf) at 27-28; OECD (2011), *OECD Economic Outlook*, Vol. 2011/1 at 12, OECD Publishing (http://dx.doi.org/10.1787/eco_outlook-v2011-1-en); Bank of Canada, *Monetary Policy Report*, April 2011, at 1, 3.
4. Minister of Finance, *The Next Phase of Canada's Economic Action Plan—A Low-tax Plan for Jobs and Growth* (http://www.budget.gc.ca/2011/plan/Budget2011-eng.pdf) at 26.
5. *Ibid.* at 25, 32.
6. *Ibid.*

increased as the economy recovered. However, the Canadian economy grew more slowly in 2010-2011 than forecast when the additional funding was approved late in 2009-2010. As a result, the increase in trade remedy cases, the Tribunal's most costly and resource-intensive type of case, did not occur as anticipated in 2010-2011.

Nonetheless, the workload in the other areas of the Tribunal's mandate remained strong. Procurement continued to be an important line of work for the Tribunal as the economy recovered. Similarly, appeal cases remained at high levels, as Canadians and Canadian businesses attempted to employ cost-saving measures in a recovering economy.

As part of the 2010 federal budget, it was announced that departmental budgets would not be increased to fund the 1.5 percent increase in annual wages for the federal public administration.[7] All departments, including the Tribunal, were asked to reallocate funds from the remainder of their operating budgets to fund these increases. The impact of this measure in 2010-2011 was minimal on the Tribunal's budget but its compounded effect for the next two fiscal years is expected to increase.

The following three key risks were identified in the 2010-2011 RPP:

1. managing cases (issuing quality decisions within deadlines) during a sustained period of heavy workload while integrating new resources;
2. recruiting and training new staff and transferring corporate memory during a period of heavy workload; and
3. maintaining employee wellness in periods of heavy workload.

The fact that the Tribunal had lower-than-anticipated trade remedy cases helped to mitigate the risks identified in the 2010-2011 RPP. Subsequently, the Tribunal had to revise its human resources plan to adjust to the new caseload. Management also shifted priorities to allocate more resources to the appeal and procurement areas of the Tribunal's mandate. Work-life balance and staff wellness were maintained, and employees were encouraged to participate in career development and training opportunities if possible.

Summary of Performance

The Tribunal's financial and human resources had a direct impact on its ability to achieve its strategic outcome and deliver on its program activities. The following sections highlight the Tribunal's performance and demonstrate linkages between resources and results.

7. Minister of Finance, *Budget 2010: Leading the Way on Jobs and Growth* (http://www.budget.gc.ca/2010/home-accueil-eng.html).

2010-2011 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
11,941	12,211	10,922

During the 2010-2011 fiscal year, the Tribunal's planned spending was $11.9 million. Through the Main Estimates and Supplementary Estimates, the Tribunal was allocated total authorities of $12.211 million, of which $1.79 million was additional funding from the Treasury Board Management Reserve. Actual spending for the Tribunal was almost $11 million.

2010-2011 Human Resources (FTE)

Planned	Actual	Difference
96	82	14

The Tribunal normally operates with 77 full-time equivalents (FTEs). Additional funding from the Treasury Board Management Reserve received during 2010-2011 allowed the Tribunal to increase its FTEs to 96. The actual FTEs for 2010-2011 were 82, an increase from 78 in 2009-2010. The variance of 14 FTEs from planned to actual human resources can be attributed to the lower-than-anticipated trade remedy cases.

Strategic Outcome 1: Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction.		
Performance Indicators	**Targets**	**Performance Summary**
Tribunal decisions overturned by the Federal Court of Appeal or international appeal bodies.	Not more than 2 percent of all decisions rendered over the most recent five-year period are overturned by the Federal Court of Appeal or international appeal bodies.	Exceeded
Tribunal decisions overturned by the Federal Court of Appeal or international appeal bodies for reasons of "due process".	Less than 1 percent of all decisions rendered are overturned by the Federal Court of Appeal or international appeal bodies on judicial review dealing specifically with "due process".	Exceeded
Tribunal notices, decisions and guidelines are accessible to the public.	All notices, decisions and guidelines for all areas of its mandate and practice notices are accessible to the public through the Tribunal's Web site, the *Canada Gazette* and/or MERX (Canada's electronic tendering service).	Met all

Decisions are issued within statutory deadlines.	All decisions are issued within statutory deadlines.	Mostly met
Appeal decisions are issued within internal deadlines.	Seventy percent of decisions on appeals are issued within internal deadlines.	Exceeded
Recommendations meet the terms of reference and provide requested information.	All recommendations and reports meet the terms of reference and provide requested information.	N/A
Reports, determinations and recommendations are published within Government-mandated deadlines.	All reports and recommendations to the Government or the Minister of Finance are published within the statutory deadlines.	N/A

Financial Resources by Program Activity ($ thousands)

Program Activity	Actual Spending 2009-2010[1]	2010-2011				Alignment to Government of Canada Outcomes
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Adjudication of Trade Cases (quasi-judicial role)	6,899	7,523	7,523	7,693	6,881	Fair and secure marketplace
General Economic Inquiries and References (advisory role)	110	119	119	122	109	Fair and secure marketplace
Total	**7,009**	**7,642**	**7,642**	**7,815**	**6,990**	

1. Starting in the 2009-2010 Estimates cycle, the resources for Internal Services are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This change affects the comparability of spending and FTE information by program activity between fiscal years.

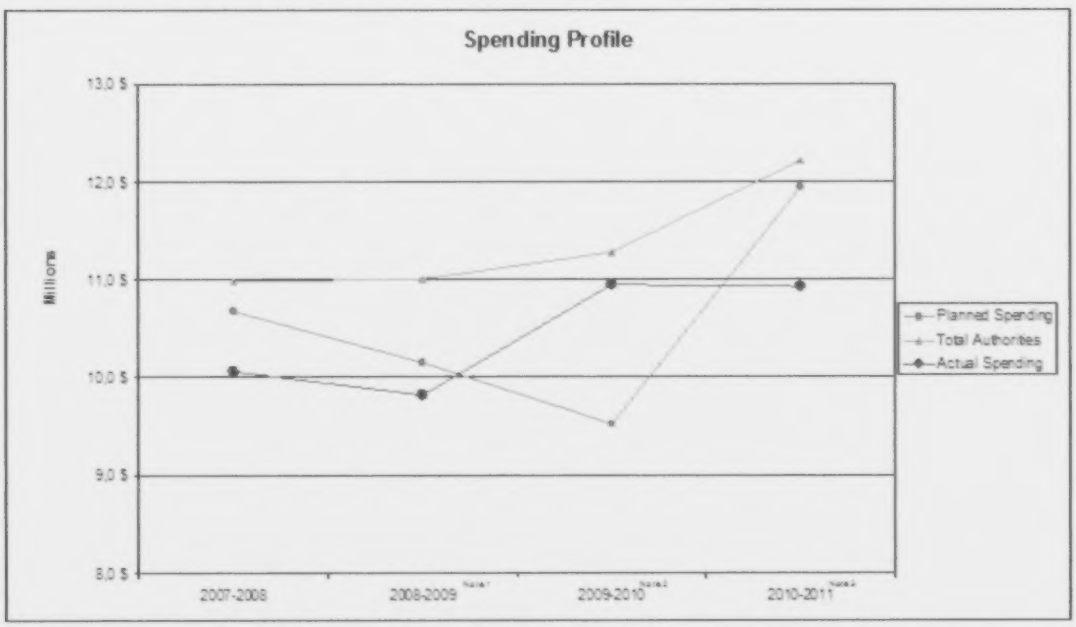
Program Activity	2009–2010 Actual Spending	2010-2011			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Internal Services	3,943	4,299	4,299	4,396	3,932

Expenditure Profile

Planned and Actual Spending ($ thousands)

	2007-2008	2008-2009	2009-2010	2010-2011
Main Estimates	10,682	10,152	9,530	11,941
Planned Spending	10,682	10,152	9,530	11,941
Total Authorities	10,980	11,009	11,277	12,211
Actual Spending	10,061	9,819	10,952	10,922

For the 2007-2008 to 2010-2011 period, total spending includes all parliamentary appropriation: Main Estimates, Supplementary Estimates and Treasury Board Vote 15, and carry-forward adjustments.



The fluctuations in spending and planned spending since 2007-2008 can be explained by the following three events:

1. In 2008-2009, $702,000 was placed in a frozen allotment that was unavailable to the Tribunal, as a result of the 2007 Strategic Review. This explains the large variance between total authorities and actual spending.
2. In 2009-2010, in anticipation of additional cases due to the world economic downturn, more resources were allocated to the Tribunal to ensure the Tribunal could maintain its current level of service and would continue to deliver on its mandate. As a result, the Tribunal's actual spending increased by more than $1.1 million compared to 2008-2009, while its total authorities increased by close to $0.3 million.

3. In 2010-2011, the lower-than-anticipated trade remedy caseload resulted in a variance of more than $1.2 million between the total authorities approved and actual spending.

Estimates by Vote

For information on the Tribunal's organizational votes and/or statutory expenditures, please see the 2010-2011 Public Accounts of Canada (Volume II) publication. An electronic version of the Public Accounts is available at http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html.

SECTION II—ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Performance Status Legend

Exceeded:	More than 100 percent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.
Met All:	100 percent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.
Mostly Met:	80 to 99 percent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.
Somewhat Met:	60 to 79 percent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.
Not Met:	Less than 60 percent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.

Strategic Outcome

Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction.

Results under the Tribunal's three distinct program activities are to support its strategic outcome, which, in turn, contributes to Canada's competitiveness and to a fair and secure marketplace. The following section highlights the Tribunal's ongoing work under each program activity and its performance in 2010-2011.

Program Activity 1: Adjudication of Trade Cases (quasi-judicial role)

The Tribunal's adjudicative mandate is to provide a fair, timely and transparent trade remedy system to Canada's business sector, thereby preserving confidence in the Canadian market, to the benefit of Canadian businesses and consumers. The Tribunal acts as an independent, quasi-judicial, decision-making body that derives its adjudication authority from the *Canadian International Trade Tribunal Act*, *SIMA*, the *Customs Act* and the *Excise Tax Act*. It operates within Canada's trade remedy system to apply existing policies and laws on trade agreements that seek to address unfair competition in the domestic market or provide emergency protection against imported goods that are seen to cause injury to a domestic industry. The Tribunal also hears appeals from decisions of the Minister of National Revenue and CBSA. It has also been designated as the bid challenge authority under the *AIT*, *NAFTA* and the WTO *AGP* against the federal government procurement process.

In its quasi-judicial role, the Tribunal's caseload is comprised of the following:

- Unfair trade cases—inquiries under *SIMA* into whether dumped and/or subsidized imports have caused or are threatening to cause injury to a Canadian industry.
- Bid challenges—inquiries into complaints by potential suppliers concerning federal government procurement under *NAFTA*, the *AIT*, the *AGP*, the *CCFTA* and the *CPFTA*.
- Appeals of decisions of the CBSA made under the *Customs Act* and *SIMA*, and decisions of the Minister of National Revenue under the *Excise Tax Act*.
- Safeguard cases—inquiries into whether the rapid build-up of imports from the People's Republic of China, or from around the world, is causing injury to a Canadian industry.

2010-2011 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
7,523	7,693	6,881

2010-2011 Human Resources (FTE)

Planned	Actual	Difference
60	52	8

Expected Results	Performance Indicators	Targets	Performance Status
Fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic, trade and tariff matters within the Tribunal's jurisdiction.	Percentage of all decisions that are overturned by the Federal Court of Appeal and/or international appeal bodies.	Not more than 2 percent of all decisions rendered over the most recent five-year period are overturned by the Federal Court of Appeal and/or international appeal bodies.	Exceeded
Tribunal's decisions are fair, impartial and based on quality information.	Percentage of decisions under judicial review dealing specifically with "due process" that are overturned by the Federal Court of Appeal and/or international appeal bodies.	Less than 1 percent of all decisions rendered are overturned by the Federal Court of Appeal and/or international appeal bodies on judicial review dealing specifically with "due process".	Exceeded
Information available to the public	Percentage of notices, decisions, guidelines for all areas of the Tribunal's mandate and practice notices that are accessible to the public through the Tribunal's Web site, the *Canada Gazette* or MERX.	100 percent of notices, decisions, guidelines for all areas of the Tribunal's mandate and practice notices are accessible to the public through the Tribunal's Web site, the *Canada Gazette* or MERX.	Met all
Decisions rendered within statutory deadlines	Percentage of decisions published within statutory deadlines.	100 percent of statutory deadlines are met.	Mostly Met[1]
Decisions on appeals rendered within internal deadlines.	Percentage of decisions on appeals published within internal deadlines.	70 percent of internal deadlines are met.	Exceeded

1. The decisions rendered within statutory deadlines were met more than 99 percent of the time.

Performance Summary and Analysis of Program Activity

Trade Remedy Cases

The Tribunal issued decisions following two preliminary injury inquiries, two final injury inquiries, one remanded injury inquiry, one interim review, one expiry and two expiry reviews. Of those nine trade remedy cases, seven were subject to statutory deadlines, and the Tribunal fully met its performance targets for meeting statutory deadlines and for making information available to the public.

Procurement Cases

In 2010-2011, 209 decisions on procurement cases were issued and, with the exception of one remanded case, all were subject to statutory deadlines. In the third quarter of 2010-2011, the Tribunal missed its target with respect to one decision not to initiate an inquiry in File No. PR-2010-065. The case had initially been assigned to the Chairperson, but given his immediate appointment to the Federal Court, the case had to be reassigned to another member. In all, the Tribunal met its performance target for meeting statutory deadlines more than 99 percent of the time and fully met its performance target for making information available to the public.

Judicial Review

In rare cases, binational or international panels convened under international trade agreements are called upon to review Tribunal findings. Ordinarily, the Tribunal's decisions are reviewed by the Federal Court of Appeal. In 2010-2011, the Tribunal maintained its strong record and met its performance indicator in terms of its decisions being upheld on judicial review.

Over a five-year period between 2006-2007 and 2010-2011 the ratio of overturned decisions to decisions subject to judicial review or appeal was 1.37 percent for the period ending March 31, 2011, thereby exceeding the Tribunal's target of less than 2 percent. None of the cases that have been overturned in the last five years dealt specifically with "due process", which exceeds the Tribunal's target of less than 1 percent of decisions overturned for reasons of "due process". There have been no new applications by parties for the review of Tribunal decisions before binational panels or WTO dispute settlement panel over the last fiscal year. The following table shows the applications and disposal of requests for judicial review or appeals for the five-year period. In summary, the Tribunal maintained its strong record in terms of its decisions being upheld on judicial review and appeal.

Treatment of Tribunal's Decisions Before the Federal Court of Canada	
	5-year Period
Decisions subject to judicial review or appeal[1]	875
Decisions for which applications for judicial review or appeal were filed	171
Decisions for which applications for judicial review or appeal were withdrawn or discontinued	55
Decisions for which the applications for judicial review were dismissed	35
Decisions overturned[2]	12
Decision overturned on due process	0
Percentage of all decisions rendered that were overturned by the Federal Court of Appeal, the Federal Court or an international appeal body	1.37%

1. For the purpose of this table, cases are all decisions and reports issued, including decisions not to initiate procurement inquiries. The number of cases corresponds to that of the caseload table found in the Tribunal's Annual Report and excludes withdrawals.
2. Overturned also includes decisions remanded to the Tribunal.

Appeal Cases Issued Within Internal Deadlines

There is no legislative deadline imposed for decisions on appeals of decisions of the CBSA or of the Minister of National Revenue. However, the Tribunal has adopted an informal, voluntary, internal standard of issuing such decisions within 120 days of the hearing of an appeal. Of the 31 appeal decisions issued in this fiscal year, 28 (90.3 percent) were issued within the self-imposed time frame, a significant improvement over the last fiscal year (82 percent). The Tribunal exceeded its target of 70 percent for appeal cases issued within internal deadlines.

Information Available to the Public

All notices, practice notices, decisions and guidelines for areas of the Tribunal's mandate were distributed to interested parties in cases, published on the Tribunal's Web site and, in the case of statutorily required notices, published in the *Canada Gazette* or on MERX.

Lesson Learned

Improved Tracking of Performance Indicators

In 2010-2011, the Tribunal introduced the practice of systematically compiling, monitoring and presenting its various performance indicators at the Executive Committee on a quarterly basis. In the past, this review was done on a less frequent basis. Senior management is now in a position to anticipate and take appropriate action when preliminary review shows that the Tribunal is lagging on some indicators, or where areas

for improvement are identified. This rigorous monitoring has helped the Tribunal improve its performance against some of its performance indicators, notably on internal deadlines to issue appeal decisions.

Program Activity 2: General Economic Inquiries and References (advisory role)

In its advisory role, the Tribunal's caseload is comprised of three types of cases. First, the Tribunal plays an advisory role when requested by Government to recommend measures to alleviate injury to domestic producers pursuant to a safeguard inquiry. Periodically, the Government may also direct the Tribunal to inquire into general economic, trade or tariff matters. In such inquiries, the Tribunal has the power to conduct research, receive submissions, hold hearings and report with recommendations, as required, to the Government or the Minister of Finance. When these requests arise, the Tribunal faces a strain on its resources and must meet very strict government-imposed deadlines. Finally, the Tribunal has received a standing reference from the Minister of Finance to investigate requests from domestic producers for tariff (import tax) relief on imported textile inputs for use in their manufacturing operations and make recommendations to the Minister of Finance that would maximize the net economic benefits to Canada.

In its advisory role, the Tribunal's caseload is comprised of the following:

- Safeguard cases—where the Tribunal finds injury to a Canadian industry, the Governor in Council may request the Tribunal to recommend appropriate measures for dealing with the build-up of imports.
- General economic, trade and tariff inquiries referred by the Government—inquiries and advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance.
- Standing tariff reference referred by the Minister of Finance—investigations into requests from Canadian producers for tariff relief on imported textile inputs that they use in their production.

2010-2011 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
119	122	109

2010-2011 Human Resources (FTE)

Planned	Actual	Difference
1	1	0

Expected Results	Performance Indicators	Targets	Performance Status
Tribunal's recommendations on economic, trade, tariff matters and the standing textile reference are fair, impartial and based on quality information.	Percentage of recommendations and reports that meet the terms of reference and provide requested information.	100 percent of recommendations meet the terms of reference and provide requested information.	N/A
Reports and recommendations to Government or Minister of Finance published within statutory deadlines.	Percentage of reports and recommendations to Government or Minister of Finance that are published within statutory deadlines.	100 percent of reports and recommendations are published within statutory deadlines.	N/A

Performance Summary and Analysis of Program Activity

In the context of its standing textile reference, the Tribunal ordinarily issues its recommendations, with reasons, to the Minister of Finance within 100 days from the date of commencement of the inquiry. In exceptional cases, where the Tribunal determines that critical circumstances exist, it will issue its recommendations within an earlier specified time frame.

During the 2010-2011 fiscal year, the Tribunal did not receive any new requests for tariff relief on textile inputs. However, the Tribunal still allocated modest human and financial resources to this program activity to maintain a core level of knowledge and expertise in this highly specialized area should the need again arise. Further, the Tribunal is required to report on the standing textile reference in its annual report and devotes an entire chapter to this area of its mandate.

Lesson Learned

In light of the significant reduction and/or elimination of tariffs on textile inputs, activity under the standing textile reference has declined significantly over the last five years, and the Tribunal will consider reducing further the resources allocated to this activity.

Program Activity 3: Internal Services

The internal services program activity supports all strategic outcomes and is common across government. Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: management and oversight services; communications services; legal services; human resources management services; financial management services; IM services; IT services; real property services; materiel services; acquisition

services; and travel and other administrative services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

2010-2011 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
4,299	4,396	3,932

2010-2011 Human Resources (FTE)

Planned	Actual	Difference
35	29	6

Performance Summary and Analysis of Program Activity

In 2010-2011, the Tribunal's supporting priorities remained: investment in its people, sound management practices and improved service delivery.

Under investment in its people, the Tribunal focused its activities in developing a leadership training curriculum, drafted procedures manuals to enable knowledge transfer and offered many training and development opportunities to all its current and new employees.

Sound management practices were further reinforced through the integration of the MAF into the Tribunal's day-to-day management with the completion of the management action plan in response to the recommendations resulting from the 2008-2009 MAF final report. The Tribunal continued to improve the efficiency and reliability of its IT infrastructure in 2010-2011 by renewing the technology of its servers to increase performance, stability, maintenance and the business continuity plan readiness of its network. Also, the Tribunal finalized, in the first quarter of 2010-2011, the integration of its IM systems, including systems relating to case tracking, case reporting, planning and performance measurement.

Over the last fiscal year, the Tribunal upgraded its staffing policies by rewording the policies in order to make them accessible and understandable by all Tribunal staff and not just members of the human resources community.

In 2010-2011, the Tribunal redesigned the interface and renewed the content of its intranet Web site in order to make it more user-friendly and intuitive for its users. A dedicated position is now responsible for keeping the Web site up to date and to ensure that it meets the Tribunal's and employees' needs.

Lesson Learned

Integration of the Mailroom and the Registrar Units

Since its creation, the Tribunal had maintained a mailroom as a separate unit from its registrar unit. Staff in the mailroom was devoted to making copies of official documents, while staff in the registrar unit was responsible for the creation of the record and the handling of exhibits. In 2010-2011, the Tribunal integrated the two units and was able to eliminate one management position. In addition, employees in the two units have had the opportunity to complement their skill sets, and the former mailroom staff has now direct access to the registrar officers.

SECTION III—SUPPLEMENTARY INFORMATION

Financial Highlights

($ thousands)

Condensed Statement of Financial Position

At End of Year (March 31, 2011)

	% Change	2011	2010
Assets			
Total Assets	(28.7)	864	1,212
Total	**(28.7)**	**864**	**1,212**
Liabilities			
Total Liabilities	(17.2)	2,482	2,996
Equity			
Total Equity	(9.3)	(1,618)	(1,784)
Total	**(28.7)**	**864**	**1,212**

Condensed Statement of Operations

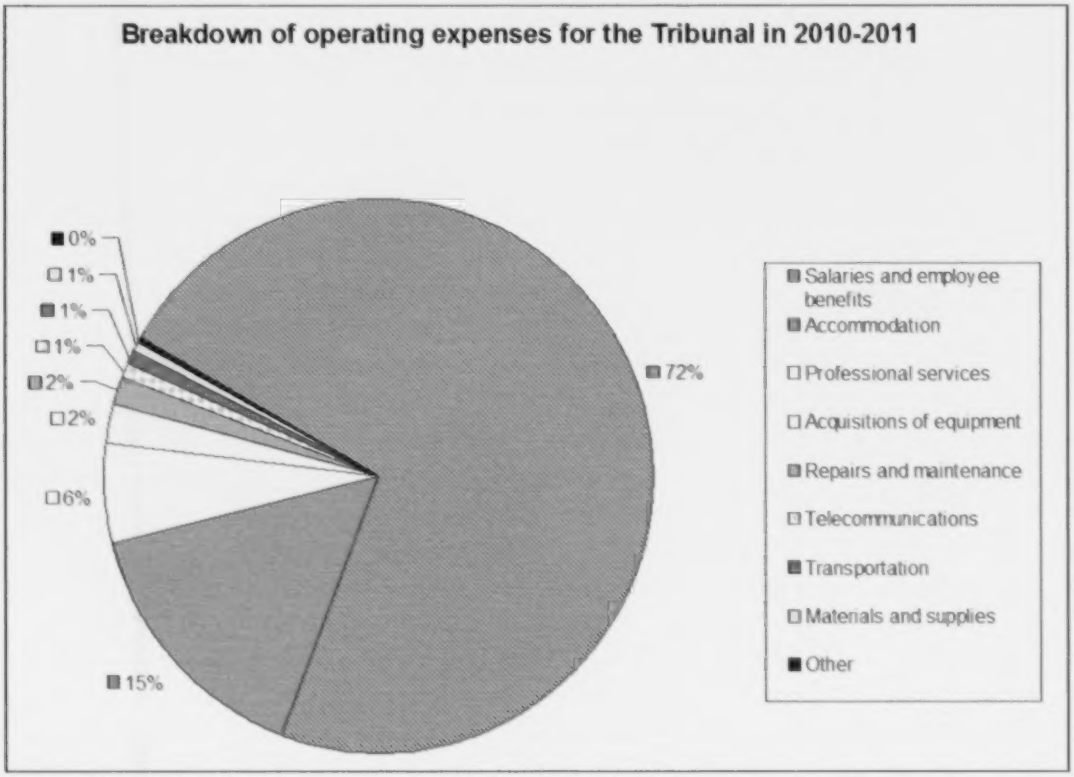
For the Year (Ended March 31, 2011)

	% Change	2011	2010
Expenses			
Total Expenses	(4.9)	13,475	14,167
Revenues			
Total Revenues	0	2	2
Net Cost of Operations	**(4.0)**	**13,473**	**14,165**

Financial Highlights Charts and Graphs

Expenses—Where Spending Goes

	2011 Total	2010 Total
Salaries and employee benefits	9,781	10,132
Accommodation	2,029	2,018
Professional services	819	945
Acquisitions of equipment	270	168
Repairs and maintenance	222	243
Telecommunications	133	129
Transportation	100	269
Materials and supplies	90	168
Other	29	93
Net cost of operations	**13,473**	**14,165**



Financial Statements

The Tribunal's financial statements are available at http://www.citt-tcce.gc.ca/publicat/index5_e.asp.

Supplementary Table

The following electronic supplementary information table found in the 2010-2011 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat's Web site at http://www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp:

- Green Procurement

SECTION IV—OTHER ITEMS OF INTEREST

Organizational Contact

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Legislation Governing the Work of the Canadian International Trade Tribunal

Canadian International Trade Tribunal Act	R.S.C. 1985 (4th Supp.), c. 47
Customs Act	R.S.C. 1985 (2d Supp.), c. 1
Excise Tax Act	R.S.C. 1985, c. E-15
Special Import Measures Act	R.S.C. 1985, c. S-15
Canadian International Trade Tribunal Regulations	S.O.R./89-35
Canadian International Trade Tribunal Procurement Inquiry Regulations	S.O.R./93-602
Canadian International Trade Tribunal Rules	S.O.R./91-499

Tribunal Publications

For a complete list of Tribunal publications, please see the Tribunal's Web site at http://www.citt-tcce.gc.ca/publicat/index_e.asp.